

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Catawba Hospital  
5525 Catawba Hospital Drive  
Administration Building  
Catawba, Virginia 24070  
Friday, June 4, 2004

**ADMINISTRATIVE MEETING**  
**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chair  
Michael Marsh, Vice-Chair  
Jim Briggs  
Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
Davey Zellmer

**HUMAN RIGHTS STAFF PRESENT**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
Sonia Smith, Human Rights Advocate, Catawba Hospital  
Deborah Jones, Facility Human Rights Advocate, SWVMHI  
BJ McKnight, Facility Human Rights Advocate, SWVTC

**OTHERS PRESENT**

David B. Trinkle, State MHMRSAS Board Liaison to the SHRC  
Jack Wood, Facility Director, Catawba Hospital

Joyce Bozeman, Ph.D., Chair, opened the administrative session of the June 4, 2004, State Human Rights Committee meeting. Dr. Bozeman introduced Jack Wood, Facility Director of Catawba Hospital. Mr. Wood said it was a pleasure to host the SHRC meeting. He gave a brief overview of the Hospital's services and welcomed the committee and human rights staff to the hospital.

**ISSUES:**

**State MHMRSAS Board and SHRC Liaisons**

The committee discussed a letter from the State MHMRSAS Board requesting the re-establishment of liaisons between the Board and the State Human Rights Committee. On April 22, 2004, the State MHMRSAS Board appointed Dr. David B. Trinkle as the Board's SHRC Liaison. Dr. Trinkle stated that the responsibilities of the liaison may be shared by other State Board members. Those responsibilities include attending SHRC meetings and keeping the Board apprised of SHRC activities. Ms. Kli Kinzie, Human Rights Secretary, will send notices and packets for all SHRC meetings to the Board. Ms. Marlene Butler, State Board Secretary, will provide the SHRC with meeting packets and notices of all State Board meetings.

On behalf of the State Board, William H. Pierce, Chair, asked that the SHRC appoint a member of the SHRC to serve as liaison to the Board. The State Board liaison is to attend State Board meetings and

report the Board's activities to the SHRC. The SHRC decided this responsibility would be shared among all members. A report of the State Board's activities will be placed on SHRC meeting agendas.

#### Review of Applicants for SHRC Membership

Dr. Michael Marsh summarized the activities of the sub committee to recommend appointment to the SHRC. The committee reviewed applications from Christina Delzingaro, Scott Reiner, Kirby Wright, and Joseph Lynch. Barbara Jenkins reported on her interviews of the applicants and stated that all of them are good possibilities for membership. Mr. Kirby Wright and Ms. Christina Delzingaro are particularly strong.

#### Aging Out

Margaret Walsh, State Human Rights Director, suggested the SHRC designate a subcommittee to review the report of clients who will age out of services. Human rights advocates could participate as well. This subcommittee should report on their activities during the December 3, 2004, SHRC meeting in Region IV.

#### Draft SHRC Annual Report to the State MHMRSAS Board

Dr. Joyce Bozeman asked for comments on the draft annual report, with an emphasis on goals for the upcoming year.

The SHRC would like to explore the possibility of making commendations for exemplary services provision. The committee will ask the department's web master to add a statement regarding the SHRC's interest in receiving comments about the system from the public. It was suggested that SHRC members attend at least one LHRC meeting a year.

One goal in the SHRC report to the Board should be to look in to the possibility of issuing a regular newsletter. The committee will review the SHRC Bylaws regarding the appointment of an SHRC secretary to head the development and publication of the newsletter. Barbara Jenkins voiced her interest in serving in this capacity. The SHRC may ask LHRCs to contribute on a rotating basis to the newsletter.

The SHRC will prioritize goals for the upcoming year during the July 16, 2004, meeting.

The committee would like to have a two-night meeting in far southwest Virginia. This will give them the opportunity to visit that remote region while developing strategies for conducting regular business.

#### Role of OAG and DMHMRSAS Staff in SHRC Deliberations

Barbara Jenkins opened a discussion of the role of the Assistant Attorney General and staff of the Office of Human Rights in SHRC deliberations. To prevent the appearance of improper influence, the SHRC Chair should state at each meeting that the committee has representatives from the OAG and OHR present for technical assistance. Dr. Bozeman asked that this issue be placed on the agenda for the administrative session of the July 16 meeting. SHRC members will draft an opinion regarding this issue.

#### LHRC Application Guidance

This issue was tabled until the July 16 meeting in Northern Virginia.

## **REGULAR MEETING**

**10:15 a.m.**

### **COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chair  
Michael Marsh, Vice-Chair  
Jim Briggs  
Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
Davey Zellmer

### **HUMAN RIGHTS STAFF PRESENT**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Chuck Collins, Regional Human Rights Advocate, Region I  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Jennifer Bailey, CORE Human Rights Advocate, Region IV & V  
Sonia Smith, Human Rights Advocate, Catawba Hospital & Region III  
Deborah Jones, Facility Human Rights Advocate, SWVMHI  
BJ McKnight, Facility Human Rights Advocate, SWVTC

### **OTHERS PRESENT**

David B. Trinkle, State MHMRSAS Board Liaison to the SHRC  
Dr. Yad Jabbappur, Chief of Staff and Medical Director, Catawba Hospital  
Val Emerson, Director, Serenity Home  
Vincent G. Dabney, Chair, Blue Ridge Behavioral Healthcare LHRC  
Eddie Blair, Coordinator of Residential Substance Abuse Services, BRBH  
Franklin Horton, Compliance Director, Cumberland Mountain Community Services  
Lloyd Sheets, Program Director, The Laurels Alcohol & Drug Treatment, CMCS  
Jane Pace, Director of Substance Abuses Services, CMCS  
Betty Bingham, Manager, Office of Consumer Affairs, CVCS

### **CALL TO ORDER:**

The June 4, 2004, meeting of the State Human Rights Committee was called to order by Joyce E. Bozeman, Ph.D., Chairperson. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Dr. Bozeman introduced David B. Trinkle, State MHMRSAS Board Liaison to the SHRC. Dr. Trinkle presented a State Board Resolution to Mr. Jim Briggs, whose term on the SHRC has expired. (Text Attached).

Dr. Bozeman introduced Dr. Yad Jabbappur, Chief of Staff and Medical Director for Catawba Hospital, who welcomed the committee to Catawba Hospital. Dr. Jabbappur reported that as of this date Catawba Hospital has not used restraints on patients for 101 consecutive days. He also stated that administrators at Catawba Hospital expect all doctors, clinicians, and staff to be advocates for the rights of their patients. Dr. Bozeman commended staff for their efforts on behalf of the patients of Catawba Hospital. It was suggested that a commendation to Catawba Hospital be noted in the SHRC newsletter.

### **MINUTES:**

The minutes of the April 23, 2004, State Human Rights Committee meeting were unanimously

accepted as presented.

### **REQUEST FOR GUIDANCE:**

#### **Blue Ridge behavioral Healthcare**

Nancy C. Neese, Regional Human Rights Advocate, Region III, introduced Vincent G. Dabney, Chair, BRBH LHRC, and Eddie Blair, Coordinator of Residential Substance Abuse Services, BRBH. Mr. Dabney and Mr. Blair requested that the committee consider the sections of the regulation that pertain to requirements for variances, in particular phone and visitation restrictions for the first two weeks in substance abuse programs.

No decision was made regarding BRBH's request for guidance. This item will be placed on the agenda for the July 16 meeting.

### **VARIANCES:**

#### **Cumberland Mountain Community Services – The Laurels Alcohol & Drug Treatment**

Nancy C. Neese, Regional Human Rights Advocate, Region III, introduced Franklin Horton, Compliance Director, Cumberland Mountain Community Services, Lloyd Sheets, Program Director, The Laurels Alcohol & Drug Treatment, and Jane Pace, Director of Substance Abuses Services, CMCS.

Mr. Horton, Mr. Sheets and Ms. Pace are seeking a variance to 12 VAC 35-115-50 C7 & 8, E.4.c and 5, Dignity of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Mental Health, Mental Retardation and Substance Abuse Services*.

**The motion was made and unanimously passed to approve the request for variance to 12 VAC 35-115-50 C7 & 8, E.4.c and 5, Dignity, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Mental Health, Mental Retardation and Substance Abuse Services* for Cumberland Mountain Community Services – The Laurels Alcohol and Drug Treatment Program.**

Jane Pace complemented Ms. Neese for all of her help through the years.

#### **Bethany Hall for a New Beginning**

Nancy C. Neese, Regional Human Rights Advocate, Region III, introduced MaryAnn Chamberlain of Bethany Hall for a New Beginning. Ms. Chamberlain is seeking a variance to 12 VAC 35-115-50, Dignity, C.7 and the corresponding paragraph E.4.c regarding the use of telephones, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Mental Health, Mental Retardation and Substance Abuse Services*.

**The motion was made and passed by a vote of 6 to 2 to approve the request for variance to 12 VAC 35-115-50 C7 and the corresponding paragraph E.4.c regarding the use of telephones, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Mental Health, Mental Retardation and Substance Abuse Services* for Bethany Hall for a New Beginning.**

Dr. Bozeman thanked Nan for the Variance checklist included in her information for the program. It was suggested that this checklist be included in the SHRC newsletter.

#### **Serenity Home, Inc.**

Mr. Charles Collins, Regional Advocate for Region I, introduced Ms. Val Emerson, Director of Serenity Home. Ms. Emerson presented an overview of Serenity Home residential program for substance abuse clients in the Fredericksburg area and answered specific questions from the committee. The

program is requesting the approval of five variances to 12 VAC 35-115 *Rules and Regulations to Assure the Rights of Individuals Receiving Services From Mental Health, Mental Retardation and Substance Abuse Services*.

Ms. Emerson explained that her program requests the two confidentiality accounting variances - 12 VAC 35-115-80 B(6) and C(3), which are the model HIPAA variances. She further requests variances to 12 VAC 35-115-100, dignity, restrictions on freedoms of everyday life, 12 VAC 35-115-50, letters and other items entering the facility, and 12 VAC 35-115-50, dignity, regarding the use of telephones. For each variance, Ms. Emerson requests that instead of the requirement that a physician or clinical psychologist review and grant the restrictions, the director or designee be allowed to implement restrictions on the basis of safety or sound therapeutic practice.

**The motion was made and unanimously passed to approve variances to 12 VAC 35-115-80 B(6) and C(3), confidentiality, 12 VAC 35-115-100, dignity, restrictions on freedoms of everyday life, 12 VAC 35-115-50, letters and other items entering the facility, and 12 VAC 35-115-50, dignity, regarding the use of telephones.**

All five variance requests are approved as submitted for a period of one year.

#### **NAME CHANGE:**

##### T. W. Neumann & Associates Local Human Rights Committee

Ms. Jennifer Bailey, Human Rights Advocate, presented on behalf of the T. W. Neumann & Associates Local Human Rights Committee, a request to change its name from, "T. W. Neumann & Associates Local Human Rights Committee", to, "Mid-City Local Human Rights Committee".

**A motion was made and unanimously passed to approve the T. W. Neumann & Associates Local Human Rights Committee's request to change its name to, "Mid-City Local Human Rights Committee".**

This change should be incorporated in the LHRC Bylaws.

#### **BYLAWS:**

##### Chesapeake Regional Local Human Rights Committee

Ms. Jennifer Bailey, Human Rights Advocate, presented on behalf of the Chesapeake Regional Local Human Rights Committee, a request to amend their bylaws in order to comply with the changes in the Human Rights Regulations.

**A motion was made and unanimously passed to approve the Chesapeake Regional Local Human Rights Committee bylaws revision as submitted.**

##### Region Ten Community Services Board LHRC

Mr. Charles Collins presented the revised bylaws for the Region Ten CSB's LHRC. These bylaws were modeled after the previously approved Harrisonburg-Rockingham LHRC's Bylaws, and reflect conformity with the current human rights regulations. They also specify the relationship and mutual expectations between the LHRC and all affiliated programs.

**A motion as made and unanimously passed to approve the bylaws revision for Region Ten Community Services Board's LHRC as submitted.**

Rockbridge Area Community Services Board LHRC

Mr. Charles Collins presented the revised bylaws for the Rockbridge Area CSB's LHRC. These bylaws were also modeled after the Harrisonburg-Rockingham LHRC's Bylaws, and are in conformity with the current human rights regulations. The proposed bylaws specify the relationship and mutual expectations between the LHRC and all affiliated programs.

**A motion as made and unanimously passed to approve the bylaws revision for Rockbridge Area Community Services Board LHRC as submitted.**

New River Valley Community Services Board LHRC

Nancy C. Neese presented a bylaws revision for New River Valley Community Services Board LHRC. The proposed bylaws specify the relationship and mutual expectations between the LHRC and all affiliated programs.

**A motion as made and unanimously passed to approve the bylaws revision for New River Valley Community Services Board's LHRC as submitted.**

Southwestern Virginia Mental Health Institute

Nancy C. Neese presented a bylaws revision for Southwestern Virginia Mental Health Institute LHRC. The proposed bylaws specify the relationship and mutual expectations between the LHRC and the facility.

**A motion as made and unanimously passed to approve the bylaws revision for Southwestern Virginia Mental Health Institute LHRC as submitted.**

**LHRC MEMBERSHIP:**

**The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering appointments to, and removals from, Local Human Rights Committees.**

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

**The motion was made and passed with one abstention to appoint the following applicant.**

Catawba Hospital  
Reappoint  
Louise S. Garman

**The motion was made and unanimously passed to appoint the following applicants to their respective Local Human Rights Committees.**

Catawba Hospital  
Reappoint  
Martin W. Ham  
Southwestern Va Training Center  
Reappoint  
Sandra Yates  
Denice Olinger

Appoint  
     Joyce Bunn  
     Betty Wilson  
 Southwestern VA Mental Health Institute  
     Reappoint  
         Trudy Combs  
         Leslie Ann Birch  
 Piedmont Community Services  
     Reappoint  
         Richard Cobb  
 Heartland Regional  
     Reappoint  
         Aaron H. Myers  
         Virginia Berkly  
 Southside Community Services  
     Appoint  
         Adrian Kittrell  
         Thomas Bullock  
     Reappoint  
         Theresa Smith  
         Diane Snoddy  
 Southern Virginia Mental Health Institute  
     Reappoint  
         Gracie Gunnell  
         Tora Terry  
         Jacqueline B. Dumas  
 Northern Virginia Hospitals  
     Reappoint  
         James Merrill  
         Nancy Merrill  
 Rappahannock Area CSB  
     Appoint  
         Brian Jackson  
 Rappahannock-Rapidan CSB  
     Appoint  
         Helen Marie Bartrum  
 Rockbridge Area CSB  
     Appoint  
         Judy Castelee  
 Fredericksburg Area CSB  
     Appoint  
         Robin Williams  
 The Pines Residential Treatment Center  
     Appoint  
         Michelle K. Bauer  
         Margaret K. House  
 Southeastern Virginia Training Center  
     Appoint  
         Dawnelle Cruze  
 Chesapeake Regional  
     Appoint  
         James Short  
 Southside Virginia Training Center  
     Appoint  
         Sebastian Symeonides  
     Reappoint

Rebecca B. Griffin  
Northern Virginia Training Center  
Reappoint  
Claire M. Jacques  
Diann Sherwin  
Blue Ridge Behavioral Healthcare  
Reappoint  
Lydia D. Barlow  
Dr. Annemarie Carrol  
Sandra Phillips  
Mildred Willis

**SHRC Membership Recommendation:**

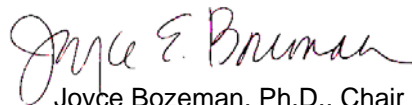
The motion was made and passed by a vote of 7:1 to recommend to the State Board the appointment of Mr. Kirby Wright to the SHRC.

**Letter From RACSB's LHRC Regarding the Case of L.H.**

On December 5, 2003, the SHRC heard appeal 03-06 for the case of L.H. and Rappahannock Area CSB's LHRC. As a result of the appeal, the SHRC decided that the RACSB LHRC was to review the implementation of the LHRC recommendations specified as relief in the case. On June 4, 2004, the SHRC reviewed a letter written by Ms. Deborah Lincoln, Chair of the Rappahannock Area CSB's LHRC. This letter confirmed that the review had taken place with the participation of L.H. and the specific relief had met with L.H.'s satisfaction. This matter is now closed.

**Having no further business to discuss, the motion was made and passed to adjourn the meeting.**

Respectfully submitted,



Joyce Bozeman, Ph.D., Chair  
State Human Rights Committee